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FISCAL IMPACT STATEMENT

LS 6892

BILL NUMBER: SB 399

NOTE PREPARED: Jan 6, 2004

BILL AMENDED:

SUBJECT: Annual Review of Unpaid Restitution Orders.

FIRST AUTHOR: Sen. Mrvan

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill requires a governmental entity that is the beneficiary of a criminal or juvenile restitution order issued by a state or federal court to annually file a payment status report with the court and with the State Board of Accounts. The payment status report is required to include information on the status of the restitution order, including, if applicable, information concerning any arrearage. The bill requires the State Board of Accounts to review the status of a restitution order if the State Board of Accounts conducts an audit of a governmental entity that is the beneficiary of a restitution order. The bill also grants the court that issued the restitution order the ability to take steps to facilitate enforcement of the restitution order.

Effective Date: July 1, 2004.

Explanation of State Expenditures: The bill could have a minimal fiscal impact on governmental entities that are the beneficiary of a criminal or juvenile restitution order to produce and file an annual payment status report, and for the State Board of Accounts to review reports of beneficiary entities during audits. It is estimated that the hourly rate for audit time at the State Board of Accounts is about \$40.

Explanation of State Revenues: There are no data to indicate how many restitution orders remain unpaid. Revenues for governmental entities who are the beneficiary of unpaid restitution orders could increase to the extent that courts will have additional authority to enforce restitution orders including (1) issuing an order to show cause, (2) find a person in contempt of court, or (3) any other judicial action to facilitate compliance with the restitution order.

Explanation of Local Expenditures: Local entities that are beneficiaries of criminal or juvenile restitution

orders would have to produce reports on the payment status of the restitution order and file a copy with the court and State Board of Accounts.

Explanation of Local Revenues: To the extent that a court would have more authority to enforce restitution orders, a local entity with unpaid restitution orders may have increased revenues.

Background Information: Under current law, a court can order a person who is on probation to pay restitution to a victim of a crime that was conducted by the person on probation. The money paid by the person can be either paid to the Indiana Criminal Justice Institute (ICJI) or to the clerk of the circuit court.

During CY 2002, trial courts in 67 counties and courts in 11 cities reported receiving \$6.59 M in restitution from probationers to be forwarded to aggrieved parties. These numbers represent restitution paid by all adults and juveniles.

Restitution (In Millions) Collected From Offenders on Probation By Calendar Year				
<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>
\$5.49	\$5.72	\$6.81	\$7.17	\$6.59

[Note: This fiscal note will be updated as additional information becomes available.]

State Agencies Affected: State Board of Accounts; Criminal Justice Institute.

Local Agencies Affected: Trial Courts, Probation Offices, Clerk of the Circuit Courts.

Information Sources: Criminal Justice Institute, *2002 Indiana Probation Report*.

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